

The Madison County Board of Zoning Appeals met on the above date at 9:00 A.M. with, Mary Jane Baker, Chairman, presiding.

Members Present: Mary Jane Baker, Bill Maxwell, Rick Durham, Albert Stewart and Bill Hobbs.

Members Absent: None.

Also Present: Cory Wilson, Executive Director, Judy King, Plan Reviewer, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

CURRENT BUSINESS

1. Roll call was taken with all members being present.
2. The minutes of the preceding meetings were distributed to each member prior to the meeting. It was the consensus of the Board to approve the minutes with the correction as stated.

Continued Petitions

- (Continued From April 27th Meeting)**

1. **Petition: 2010-SU-002 Special Use** Zoning: CR
Address: 4498 West Eighth Street Road, Anderson
Location: North side of Eighth Street Road, West of CR 400 West
Petitioner: Town of Edgewood – Contact: Dick Donnelly
Request: Requesting a Special Use to provide for the construction of a Municipal Sewage Treatment Plant. (Section 3.5 states a sewage treatment plant requires a Special Use in a Conservation Residential (CR) zone district.)

Members Hobbs and Member Durham asked that they be recused from this petition.

Mr. Shine stated for the record, the County Commissioners appointed Mr. Fisher and the County Council also appointed someone for this special matter. When Mr. Shine received the petitioner's letter of withdrawal he spoke with Mr. Fisher and informed him he did not need to attend the meeting today. The Council appointee was also notified.

The following is the letter submitted by Richard Donnelly on behalf of the Town of Edgewood asking that their petition be withdrawn:

Rec - 6-25-10

Richard Donnelly
1615 Broadway
Anderson, IN 46012
RLDonnelly@usa.net 765-425-0033

May 24, 2010

Madison County Board Of Zoning Appeals

Board Members:

I have been requested by Mike Austin, Town Attorney of the Town of Edgewood , to ask for a withdrawal of the petition by the Town of Edgewood for a Special Use for a Sanitary Sewer Treatment Facility.

Since the last meeting of the Madison County Board of Zoning Appeals, Edgewood and Anderson have continued negotiations regarding the contract between Edgewood and Anderson sewage rates. The negotiations have resulted in a tentative agreement which allows Edgewood to discontinue it pursuit of a separate treatment facility at this time.

Sincerely

Richard Donnelly, AICP
Project Planner

There were no remonstrators present.

Member Stewart seconded the motion.

NEW BUSINESS

- Mr. Shine stated this Board has the option of approving this or denying. If this is denied the Board can request this be taken down.

Director Wilson presented the following letter of objection (Exhibit A):

May 18, 2010

To Whom It may Concern:

I Donald L. Qualls, am against the carport on Belzer Drive at the house in question.

There are a number of reasons:

* First, there is a safety issue.

The carport blocks the view for those pulling out of their driveway. There are many children that play on the street.

In my opinion, it hinders the visibility to see the children riding their bikes and generally playing.

* Second, there is the issue of aesthetics.

It is an eyesore to the neighborhood.

I am confused at the necessity of putting this in front of the home since there is an attached garage available.

The side or the back of the home would be much safer for the children and less of an eyesore for the neighborhood.

* Finally, it is my understanding there is an ordinance against the placement of the carport.

My understanding is there is a variance of 20 feet from the street to the building.

The carport is NOT in compliance with this ordinance.

This carport is not in the best interest of the neighborhood for the reasons stated above.

Thank you for your time,

A handwritten signature in black ink, appearing to read "Donald L. Qualls", with a stylized flourish at the end.

Donald L. Qualls

Member Maxwell made a motion to deny Petition #2010-V-003 per staff recommendations and Findings of Fact: It affects the morals of the neighbors; its closer to the street than what the ordinance allows; it could possibly injure the property values and the use of the neighbor's properties and buildings. They shall have 60 days to remove the carport.

Member Hobbs seconded the motion.

The vote was unanimous in favor of the motion. **Petition #2010-V-003 was denied.**

2. Miscellaneous – Mr. Shine stated briefs have been filed by the K.C.C.A. to the Supreme Court. No hearing dates have been scheduled.

Director Wilson informed the Board the County Council has asked each department to come in with a ten percent reduction on the current fiscal year budget. A revised budget will be mailed out with the packets to the Planning Commission for the rest of the fiscal year of 2010.

It was the consensus of the Board to adjourn.

Adjournment: 9:20:51 A.M.

Mary Jane Baker, Chairman

Beverly Guignet, Secretary